

Appendix C

LAND AND/OR INTEREST IN LAND ACQUISITION FUNDING CRITERIA

In order to implement the Southern Nevada Public Land Management Act of 1998 (SNPLMA) and the Federal Land Transaction Facilitation Act of 2000 (FLTFA) (the Acts), the following strategic goals, minimum criteria, and ranking criteria will be used to identify land or interest in land in the state of Nevada for acquisition by the Federal government. Under the SNPLMA, the land or interest in land must be "environmentally sensitive," with priority given to lands located within Clark County. Under the FLTFA, the lands must be an in holding within a federally designated area as defined in the Act, or adjacent to a federally designated area and containing exceptional resources as defined in the Act.

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for land acquisitions. Any entity or interested party may propose land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition to an eligible entity.

Strategic Goals for Land Acquisition

- Promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife and other values contributing to public enjoyment and biological diversity;
- Enhance recreation opportunities and public access; and
- Provide the opportunity to achieve more efficient management of public lands through consolidation of ownership, including in holdings within federally designated areas.

Minimum Criteria

All three of the following criteria must be met for a parcel of land or interest in land to be acquired by a Federal entity. The first two criteria must be addressed in the "willing agency" letter, and the third in a "willing seller" letter, both to be included in the nomination package:

- The nominated land is currently identified for protection or acquisition in an approved Federal land management plan;
- The acquisition proposed for Federal acquisition presents no health, safety, or liability concerns that cannot be mitigated. This will be documented by a statement from the acquiring agency identifying any potential concerns and explaining specifically how it would be mitigated; and
- There is a willing seller.

Ranking Criteria

Each potential acquisition that meets all of the minimum criteria is scored by adding up points it receives from meeting one or more of the following “ranking criteria.” Points between 0 and the indicated maximum number are awarded for each criterion, depending on the degree to which the acquisition would satisfy each criterion. Factors used by the Working Group members to assign points are listed under each criterion.

Each potential acquisition is first evaluated based on resource issues, manageability, and other considerations, and a subtotal score is calculated. Additional points are awarded if the property is located within Clark County as a criterion for prioritization under the SNPLMA. The eligibility for funding under the FLTFA (in holding, or adjacent to a federally designated area and containing exceptional resource values) is determined and the date the in holding was established, as defined in the FLTFA, as a criterion for prioritization under the FLTFA.

1. Contributes toward preservation of a specially designated species. Points 20

Factors:

- The relative significance of the acquisition in contributing towards preservation of specially designated species;
- The number and types of special status species associated with the property and season of habitat;
- The listing status of each special status species present; and
- The trend in population of each species.

2. Preserves a significant natural, aesthetic or scientific feature; Points 20
or preserves a significant historic, or cultural site.

Factors:

- Number and types of values associated with the site;
- Eligibility for a special designation;
- Relative significance of the acquisition in preserving the resource values (including bio-diversity); and
- Existence of specific management plans for the resource values involved.

3. Contains a wetland, or riparian value that provides substantial Points 10
public benefit.

Factors:

- Quantity and season of water on the site (perennial, ephemeral, or intermittent);
- Nature of public benefits;
- Number and types of riparian values;
- Significance of the acquisition in protecting the values; and
- Significance of the property in the watershed.

4. Enhances recreational opportunities or improves public access. Points 15

Factors:

- Number and types of recreation values associated with the site;
- Relative significance of the acquisition in providing recreation or access in the area; and
- Existence of specific management plans for the resource values involved.

5. Provides the opportunity to achieve better management of public land through consolidation of Federal ownership. Points 10

Factors:

- Nature and significance of the acquisition in achieving better management of public lands;
- Property is an inholding in a specially designated area and the degree to which the property supports the primary purpose of the area; and
- Consistency with local planning and zoning.

6. Involves non-federal funding contributions for the acquisition itself, or for the development or management of the property once acquired. Points 05

Factors:

- Value of the contribution;
- Percent of the overall costs;
- Permanence of the contribution (Does the contributor expect to be reimbursed?);
- Duration of the commitment (one-time, or continuing?); and
- Number, nature, and relative significance of funding partnerships.

7. Has the support of the State, local governments, other agencies, and/or other interested parties (provide verification of support). Points 10

Factors:

- Entities that support or oppose the acquisition;
- Nature of support or opposition; and
- How support or opposition is demonstrated.

8. Other Considerations: Points 05

Factors:

- Urgency of action; and
- Prevent incompatible uses.

SUBTOTAL POSSIBLE POINTS: 95

9. Proposed Federal acquisition is in Clark County, Nevada.

Points 20

TOTAL POSSIBLE POINTS 115

10. Inholding, or adjacent to, Federally designated area and contains exceptional resource(s). As defined in Sec. 203 of the FLTFA:

Yes/No

"In holding" means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

"Federally designated area" means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o)) that on the date of enactment of this Act was within the boundary of--

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as--

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

"Exceptional resource" means a resource of (1) scientific, natural, historic, cultural, or recreational value (2) that has been documented by a Federal, State, or local governmental authority, and (3) for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency (4) in order to maintain the resource for the benefit of the public [numbering added].

11. Date inholding established. As defined in Sec. 204(c)(2) of the Month/Year FLTFA, this date shall be:

(A) the earlier of

(i) the date on which the land was withdrawn from the public domain, or

(ii) the date on which the land was established or designated for special management, or

(B) the date on which the inholding was acquired by the current owner.